

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CODY TRENN,

Plaintiff,

vs.

Civil Action 2:13-CV-407
Judge Sargus
Magistrate Judge King

HERBERT H. HARKNESS,

Defendant.

ORDER

Having performed the initial screen of the *Complaint* required by 28 U.S.C. §§ 1915(e), 1915A, the Court concludes that plaintiff's claim of excessive force in violation of the Eighth and Fourteenth Amendments may proceed.

It is **ORDERED** that, if plaintiff submits a copy of the *Complaint*, a summons and a Marshal service form for the defendant, the United States Marshal shall effect service of process upon defendant by certified mail. Defendant may have forty-five days after service of process to respond to the *Complaint*.

Plaintiff is **ADVISED** that he must assure that defendant is served with process within 120 days of the filing of the *Complaint*. If defendant is not served within 120 days, the claims against him will be dismissed. See F.R. Civ. P. 4(m).

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge

April 30, 2013